

46. A baby support comprising:

(a) a blanket, the blanket sized to substantially encapsulate the baby, the blanket having attached thereto means for receiving a support pad of resilient, memory-foam material, the means for receiving the support pad configured so as to maintain the support pad in a position with respect to the blanket so as to simultaneously support at least the head, neck and upper back of the baby;

(b) the support pad being [substantially planar and of uniform thickness, the support pad] sized to support at least the head, neck and upper back of the baby, the profile of the resilient support pad broader than the baby and substantially the same length as the baby, and sufficiently resilient so as to generally conform to the adjacent contour of the baby when the blanket is wrapped around the baby; and

wherein when the support pad is joined with the means for receiving the support pad, the support pad provides firm support for at least the baby's head, neck and upper back when the blanket is secured about the baby.

#### REMARKS

Reconsideration of the above-identified application is respectfully requested in view of the above amendments and the following remarks.

Applicant has amended the claims to further clarify the relationship of the support pad and the wrap, and urges that the present amendments do not constitute new matter. Applicant submits herewith Exhibit A consisting of clean versions of the amended claims.

The Examiner has rejected claims 1-2, 10-12, 22, 24 and 41-44 under 35 U.S.C. §103(a) over Kocib in view of Haas, and the remaining claims over various combinations of these references and Clute and Hamel-Nyhus, among others. Applicant urges that the present amendments obviate the rejection of the claims to the invention over Kocib and Haas, in that both Kocib and Haas describe relatively rigid pads which are not able to generally conform to the adjacent contour of the baby when the blanket or fabric is wrapped around the baby.

The composition of the waterproof pad of Kocib is disclosed at column 3, lines 2-7 as comprising a top piece of the same material as the "cover-up" cloth (or a stain resistant fabric), and a piece of vinyl or similar waterproof material. Thus, it is clear that

the Kocib pad is not intended to provide support for the baby, and particularly not the resilient support of the present support pad. In addition, the positioning of Kocib's waterproof pad can be judged by comparing Kocib's figures 2A and 3, where it is shown that the waterproof pad is designed and positioned to protect the "cover-up" from staining by the baby, so the pad is positioned in the region of the "cover-up" that is most vulnerable to such staining. Thus it is clear that the "cover-up" and waterproof pad of Kocib does not anticipate the present wrap and support pad, due to the clear differences in design, positioning and intended use.

Likewise, Haas discloses a very substantial pad intended to provide a "floor" of support for the baby, and form a relatively rigid carrier. The carrier function of Haas is clearly shown in figure 4, which demonstrates that the pad of Haas is not able to generally conform to the adjacent contour of the baby when the blanket or fabric is wrapped around the baby. Thus, the combination of Kocib and Haas would not provide the benefits of the present invention, namely the ability to envelop or swaddle the baby while providing a resilient support pad that generally conforms to the adjacent contour of the baby when the blanket or fabric is wrapped around the baby. Therefore, the combination of Kocib and Haas does not disclose the invention as presently claimed, nor render it obvious.

The Examiner has further rejected the remaining claims under 35 U.S.C. §103(a) over Kocib and Haas, in various combinations with Clute, Landesberger *et al.* and Hamel-Nyhus *et al.* Applicant respectfully traverses these bases for rejection of the claims.

The present invention is directed to a wrap and associated resilient support pad, which provides support for the head, neck and upper back of the baby, wherein the pad is able to generally conform to the adjacent contour of the baby when the blanket or fabric is wrapped around the baby. This invention, as discussed above, is distinct from and unobvious in view of, the disclosure of Kocib and Haas. Kocib and Haas neither describe nor suggest a support wrap as described and claimed in the present application.

Nor do the disclosures of Clute, Landesberger *et al.* and Hamel-Nyhus *et al.* make up for the deficiencies of Kocib and Haas. Clute discloses the use of Velcro, Landesberger *et al.* discloses the use of snaps, and Hamel-Nyhus *et al.* discloses the use of a zipper, each for attaching various elements to fabric. However, the disclosure of Kocib and Haas alone, and in combination with Clute, Landesberger *et al.* and Hamel-Nyhus *et al.*, does not provide a description nor any suggestion as to the present

invention, nor how one would obtain the benefits of the present invention in providing resilient support to a baby's head, neck and upper back, while generally conforming to the adjacent contour of the baby when the blanket or fabric is wrapped around the baby.

The present invention provides a support wrap and associated pad which is not disclosed in the cited prior art, or any combination thereof, and which provides benefits not found in the prior art. Thus it is urged that the present invention is neither anticipated nor rendered obvious by the prior art of Kocib, Haas, Clute, Landesberger *et al.* and Hamel-Nyhus *et al.*, nor by any combination thereof.

Based upon the above amendments and remarks, Applicant respectfully requests the Examiner to pass this case to issue.

If a telephone interview would be of assistance in advancing prosecution of the subject application, Applicant's undersigned attorney invites the Examiner to telephone him at the number provided.

Respectfully submitted,

JAMES C. WESEMAN, APLC

Dated: 16 DECEMBER 2003

By: \_\_\_\_\_

  
James C. Weseman

Reg. No. 30,507

Attorney for Applicant

Atty. Docket: P00250US0

EXHIBIT A

1. A baby support comprising:
  - (a) a piece of fabric, the fabric sized to substantially encapsulate the baby, the fabric having attached thereto means for receiving a support pad and positioning said support pad so as to simultaneously support at least the head, neck and upper back of the baby;
  - (b) the support pad being sized to support at least the head, neck and upper back of the baby, and sufficiently resilient so as to generally conform to the adjacent contour of the baby when the fabric is wrapped around the baby; andwherein when the support pad is joined with the means for receiving the support pad, the support pad provides firm support for at least the baby's head, neck and upper back when the fabric is wrapped about the baby.
2. The baby support of Claim 1, wherein the means for receiving a support pad comprises a piece of material secured to the fabric about the periphery of the piece of material so as to form a pouch, said pouch configured to receive the support pad therein so as to maintain the support pad in a desired position with respect to the fabric.
3. The baby support of Claim 1, wherein the means for receiving a support pad comprises a cover for receiving the support pad, the cover detachably affixable to the fabric, the cover having an access for inserting and removing the support pad.
4. The baby support of Claim 1, wherein the fabric further comprises means for securing the fabric about the baby.
5. The baby support of Claim 3, wherein the cover is detachably affixed to the fabric by means of:
  - (a) at least one complementary part of a snap connected to the cover; and
  - (b) at least one opposing complementary part of a snap connected to the fabric which engages the at least one snap on the cover, so as to attach the cover to the fabric.

6. The baby support of Claim 3, wherein the cover is detachably affixed to the fabric by means of a complementary pair of strips consisting of one strip of fabric of small hooks that adheres to a corresponding strip of small loops, and wherein at least one strip is connected to the cover; and at least one complementary strip is connected to the fabric, and whereby the cover is affixed to the fabric by engaging the at least one strip on the cover to the complementary strip on the fabric.

7. The baby support of Claim 3 wherein the cover is detachably affixed to the fabric by means of a complementary pair of zipper strips, wherein at least one zipper strip is connected to the cover and at least one complementary zipper strip is connected to the fabric, and whereby the cover is affixed to the fabric by engaging the zipper on the cover with the complementary zipper on the fabric.

8. The baby support of Claim 4 wherein the means for securing the fabric about the baby comprises:

(a) at least one complementary part of a snap located on a first side of the fabric; and

(b) at least one opposing complementary part of a snap located on a second side of the fabric in a configuration such that when the fabric is wrapped about the baby the at least one snap engages the at least one opposing complementary part of the snap, securing the fabric.

9. The baby support of Claim 4, wherein the means for securing the fabric about the baby comprises a complementary pair or strips consisting of one strip of fabric of small hooks that adheres to a corresponding strip of small loops, and wherein at least one strip is located on a first side of the fabric; and at least one complementary strip of is located on a second side of the fabric in a configuration such that when the fabric is wrapped about the baby the at least one strip is engageable with the at least one complementary strip securing the fabric.

10. The baby support of claim 1, wherein the support pad is wider across a portion positioned under the baby's shoulder area and narrower across a portion positioned under the baby's foot area.

11. The baby support of claim 1, wherein the support pad is substantially the same length as the baby's head and trunk in the dimension defined by the longitudinal orientation of the baby.

12. The baby support of Claim 1, wherein the resilient support pad is constructed from a memory-foam material.

22. A baby support comprising:

(a) a blanket, the blanket sized to substantially encapsulate the baby, the blanket having attached thereto means for receiving a resilient support pad in a position with respect to the blanket so as to simultaneously support at least the head, neck and upper back of the baby;

(b) the resilient support pad being sized to support at least the head, neck and upper back of the baby, the profile of the support pad broader than the baby and substantially the same length as the baby, and sufficiently resilient so as to generally conform to the adjacent contour of the baby when the fabric is wrapped around the baby; and  
wherein when the support pad is joined with the means for receiving the support pad, the support pad provides firm support for at least the baby's head, neck and upper back when the blanket is secured about the baby.

23. The baby support of Claim 22, wherein the resilient support pad is constructed from a memory-foam material.

24. The baby support of Claim 22, wherein the means for receiving a support pad comprises a piece of material secured to the blanket about the periphery of the piece of material so as to form a pouch, said pouch configured to receive the support pad therein.

25. The baby support of Claim 22, wherein the means for receiving a support pad comprises a cover for receiving the support pad, the cover detachably affixable to the fabric, the cover having access means for inserting and removing the support pad.

27. The baby support of Claim 25, wherein the cover is detachably affixed to the fabric by means of:

- (a) at least one complementary part of a snap connected to the cover; and
- (b) at least one opposing complementary part of a snap connected to the fabric which engages the at least one complementary snap on the cover, so as to attach the cover to the fabric.

28. The baby support of Claim 25, wherein the cover is detachably affixed to the blanket by means of a complementary pair of strips consisting of one strip of fabric of small hooks that adheres to a corresponding strip of fabric of small loops, and wherein at least one strip is connected to the cover; and at least one complementary strip of is connected to the blanket, and whereby the cover is affixed to the fabric by engaging the at least one strip on the cover to the complementary strip on the blanket.

29. The baby support of Claim 25, wherein the cover is detachably affixed to the blanket by means of a complementary pair of zipper strips, wherein at least one zipper strip is connected to the cover and at least one complementary zipper strip is connected to the blanket, and whereby the cover is affixed to the blanket by engaging the zipper on the cover with the complementary zipper on the blanket.

30. The baby support of Claim 22, further comprising:
- (a) at least one complementary part of a snap located on a first side of the fabric; and
  - (b) at least one opposing complementary part of a snap located on a second side of the fabric in a configuration such that when the fabric is wrapped about the baby the at least one snap engages the at least one opposing complementary snap so as to secure the blanket about the baby.

31. The baby support of Claim 22, further comprising:  
a complementary pair of strips consisting of one strip of fabric of small hooks that adheres to a corresponding strip of fabric of small loops, and wherein at least one strip is located on a first side of the fabric; and at least one complementary strip of is located on a second side of the blanket which is engageable with the at least one strip on the first side of the blanket so as to secure the blanket about the baby.

41. A baby support system comprising:  
(a) a first support structure configured to be wrapped about the baby, the first support structure having attached thereto means for receiving a second support structure and positioning said second support structure so as to simultaneously support at least the head, neck and upper back of the baby; and  
(b) the second support structure being substantially planar and of substantially uniform thickness, such that when the second support structure is joined with the means for receiving the second support structure, and the first support structure is wrapped about the baby, the second support structure is located so as provide firm support to at least the head, neck and upper back of the baby, and is sufficiently resilient so as to generally conform to the adjacent contour of the baby.

42. The baby support system of claim 41, wherein the first support structure comprises a piece of fabric.

43. The baby support system of claim 41, wherein the first support structure comprises a blanket.

44. The baby support system of claim 41, wherein the second support structure comprises a resilient pad that at least partially conforms to the baby's body.

45. The baby support of Claim 41, wherein the resilient support pad is constructed from a memory-foam material.



46. A baby support comprising:

(a) a blanket, the blanket sized to substantially encapsulate the baby, the blanket having attached thereto means for receiving a support pad of resilient, memory-foam material, the means for receiving the support pad configured so as to maintain the support pad in a position with respect to the blanket so as to simultaneously support at least the head, neck and upper back of the baby;

(b) the support pad being sized to support at least the head, neck and upper back of the baby, the profile of the resilient support pad broader than the baby and substantially the same length as the baby, and sufficiently resilient so as to generally conform to the adjacent contour of the baby when the blanket is wrapped around the baby; and

wherein when the support pad is joined with the means for receiving the support pad, the support pad provides firm support for at least the baby's head, neck and upper back when the blanket is secured about the baby.

47. The baby support of Claim 46 wherein the means for receiving a support pad comprises a piece of material secured to the blanket about the periphery of the piece of material so as to form a pouch, said pouch configured to receive the support pad therein.

48. The baby support of Claim 46 wherein the means for receiving a support pad comprises a cover for receiving the support pad, the cover detachably affixable to the fabric, the cover having access means for inserting the support pad.

49. The baby support of Claim 48, wherein the cover is detachably affixed to the fabric by means of:

(a) at least one complementary part of a snap connected to the cover; and

(b) at least one opposing complementary part of the snap connected to the fabric which engages the at least one complementary snap on the cover, so as to attach the cover to the fabric.

50. The baby support of Claim 48, wherein the cover is detachably affixed to the blanket by means of a complementary pair of strips consisting of one strip of fabric of small hooks that adheres to a corresponding strip of fabric of small loops, and wherein at least one strip is connected to the cover, and at least one complementary strip is connected to the blanket, and whereby the cover is affixed to the fabric by engaging the at least one strip on the cover to the complementary strip on the blanket.

51. The baby support of Claim 48, wherein the cover is detachably affixed to the blanket by means of a complementary pair of zipper strips, and wherein at least one zipper strip is connected to the cover and at least one complementary zipper strip is connected to the blanket, and whereby the cover is affixed to the blanket by engaging the zipper on the cover with the complementary zipper on the blanket.

52. The baby support of Claim 46, further comprising:

(a) at least one complementary part of a snap located on a first side of the blanket; and

(b) at least one opposing complementary part of the snap located on a second side of the fabric in a configuration such that when the fabric is wrapped about the baby the at least one snap engages the at least one opposing complementary snap so as to secure the blanket about the baby.